

The 20th June, 1980

No. 11(112)-80-3Lab/8087.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Haryana Industries, 432, Rohtak Road, Bahadurgarh.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK.

Reference No. 6 of 1980

between

SHRI RAM BAHADUR, WORKMAN AND THE MANAGEMENT OF M/S HARYANA INDUSTRIES, 432, ROHTAK ROAD, BAHADURGARH.

Present.—

Shri Dhan Singh, for the workman.

Shri I. S. Khullar, for the respondent management.

AWARD

This reference has been made over to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/RTK/202-79/1472, dated 10th January, 1980 under section 10(1)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between the workman Sh. Ram Bahadur and the management of M/s Haryana Industries, 432, Rohtak Road, Bahadurgarh. The terms of the reference was:

"Whether the termination of the services of Sh. Ram Bahadur was justified and in order? If not, to what relief, he is entitled?"

On receipt of the order of reference notices as usual were sent to the parties. The parties put in their appearance in response to these notices on 30th April, 1980. The statement of the authorised representatives of both the parties were recorded.

In view of the statements of the authorised representatives of both the parties no further proceedings are called for. The management agreed to reinstate the workman with effect from 3rd March, 1980 with no back wages with continuity of service. The workman in his statement agreed to withdraw his notice of demand on which the present reference was made. I make the award in terms of the statements of the parties and answer the reference while returning the same in these terms. No order as to cost.

Dated the 7th June, 1980.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endst. No. 1548, dated 11th June, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 11(112)-80-3Lab/8088.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s New Tyre Sole Co., Bahadurgarh.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA ROHTAK

Reference No 31 of 1980

SHRI ALLOUDIN, WORKMAN AND THE MANAGEMENT OF M/S NEW TYRE SOLE CO., BAHADURGARH

Present :—

Shri Rajinder Singh, for the workman

No one for the management respondent.

AWARD

This reference has been made over to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/RTK/11/80-8786, dated 19th February, 1980 under section (10)(i)(c) of the Industrial Disputes Act for adjudication of the dispute existing between the workman Shri Alloudin and the management of M/s New Tyre Sole Co., Bahadurgarh. The terms of the reference was :—

“Whether the termination of the services of Shri Alloudin was justified and in order? If not, to what relief, he is entitled?”

On receipt of the order of reference notices as usual were sent to the parties. The parties put in their appearance in response to these notices on 30th April, 1980 and the representative of the workman made the following statement :—

“The workman has been reinstated by the management and he has joined his duties. The workman has no dispute against the management with regard to the present reference. The award may be made accordingly.”

In view of the statement of the authorised representative of the workman as recorded above the workman was left with no dispute against the management with regard to the present reference. The workman was reinstated and joined duties. There is no dispute in respect of the demand notice which given rise to the present reference which required adjudication. I make the award in terms of the statment of the authorised representative of the workman and answer the reference while returning the same in these terms. No order as to cost.

BANWARI LAL DALAL,

Dated the 7th June, 1980.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endst. No. 1549, dated the 11th June, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 11(112)-80-3Lab/8151.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Nibro Limited, Gurgaon:

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 80 of 1977

between

THE WORKMEN AND THE MANAGEMENT OF M/S NIBRO LIMITED, GURGAON

Present :—

Shri Darshan Singh, for the workmen.

Shri R. S. Khandari, for the management.

AWARD

1. By order No. 1D/ GG/177-A-77/ 23911, dated 21st June, 1977, the Governor of Haryana referred the following dispute between the management of M/s. Nibro Limited, Gurgaon and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the workmen are entitled to the grant of bonus for the year, 1975? If so, at what rate with what details?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleading of the parties, following issues were framed on 24th November, 1977:—

1. Whether the workmen are entitled to year 1975 ? If so, at what rate ?
2. Whether the demand has been espoused by a substantial number of workmen ?
3. Whether the Gurgaon Engineering Workers union does not represent the workmen in respect of the demands ?

And the case was fixed for the evidence of the workmen. The representative for the workmen requested to adduce evidence only on issue No. 2 which was granted. The workmen examined Shri Shardha Nand as WW-1, Krishan Kumar Dhillon as WW-2. Then the case was adjourned for remaining evidence of the workmen. But their evidence was closed by order dated 20th September 1978 because the workmen failed to produce any additional evidence. Then the case was fixed for the evidence of management. The management examined Shri Hira Lal Pandey, their Accounts Officer as MW-1 and closed their case. On the last date of hearing the workmen or their representative was not present. Now I give my findings issues wise:—

Issue No. 2.—WW-1 The General Secretary, Gurgaon, Engineering Workers Union stated that he was General Secretary of the union. About 100 workers out of 125 were members of the union. In a meeting held on 27th March, 1977 they resolved to raise the demand against the management. They signed the minutes of the meeting. He produced Ex. W-1 the authority letter. In cross examination he stated that the union received monthly subscription from the members and issued receipts. WW-2 stated that meeting of the general body was held to raise demand for bonus for the year 1975 and the demand passed unanimously. He further corroborated the statement of WW-1. MW-1 stated that they had calculated allocable surplus from the balance sheets which were Ex. M-1 and M-4. He further stated that the statement of allocable surplus was correct and calculated according to law. There was no allocable surplus for the year 1975. He tendered in evidence Ex. M-5 to M-8 copies of balance sheets. In cross examination he stated that the factory started production in 1968-69. He further stated that the production of the year 1973-74 exceeded that of 1972-73. He could not tell the incoming and outgoing raw materials orally, nor could tell the rates of raw materials.

3. From the evidence I find issue No. 2 in favour of the workmen because the only witness of the management has not stated a word on this issue.

Issue No. 1.—The workmen did not adduce any evidence on this issue, whereas there is a categorical statement on behalf of the management that there was no allocable surplus. By going through the documents and other evidence of the management, I decide this issue in favour of the management.

4. While answering the reference, I give my award that the workmen are not entitled to the grant of bonus for the year 1975.

M. C. BHARDWAJ,

Dated the 13th June, 1980.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. _____ dated the _____

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.